

Message Text

CONFIDENTIAL

PAGE 01 BONN 11748 01 OF 02 130748Z

14

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 SAJ-01

ACDA-07 OMB-01 TRSE-00 SCCT-01 DHA-02 SY-05 /076 W

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P R 130738Z JUL 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 0360

INFO USMISSION USBERLIN PRIORITY

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 11748

E.O. 11652: GDS

TAGS: PGOV PFOR GW US FR UK WB UR

SUBJECT: FEDERAL PROSECUTION OF LORENZ KIDNAPPERS IN
BERLIN

REFS: (A) STATE 171434; (B) BONN 11478

SUMMARY: SINCE PRESENTATION OF US POSITION TO VAN WELL
REPORTED REF (B), WE HAVE MADE SAME PRESENTATION IN
BONN GROUP AND THERE HAVE BEEN TWO TRIPARTITE DISCUSSIONS
OF MATTER. FRG IS FOLLOWING LINE SET BY VAN WELL
WITH AMBASSADOR HILLENBRAND, PARIS HAS NOT YET INSTRUCTED
THE FRENCH HERE, AND LONDON IS PREPARED TO ACCEPT THE
US POSITION WHILE NEVERTHELESS RETHINKING
WHETHER IT WOULD BE BEST TO BAN THE TRIAL FROM BERLIN.
END SUMMARY.

1. SINCE AMBASSADOR HILLENBRAND MADE THE PRESENTATION
TO VAN WELL ON JULY 7 (REF B), WE HAVE MADE A FOLLOW-UP
PRESENTATION IN THE BONN GROUP ON JULY 8 AND HAVE HAD
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PAGE 02 BONN 11748 01 OF 02 130748Z

TRIPARTITE DISCUSSIONS ON THE MATTER ON JULY 9 AND

JULY 12. FRG REPS IN BONN GROUP RESPONDED POSITIVELY TO US POSITION AND FOLLOWED THE LINE SET OUT BY VAN WELL TO THE AMBASSADOR, THAT THE BONN GROUP VIEWPOINT -- WHICH WOULD BE BASED ON THE US PRESENTATION -- WOULD BE PASSED BY THE FOREIGN OFFICE TO THE JUSTICE MINISTRY FOR CONSIDERATION IN DEVELOPMENT OF FINAL FRG POSITION (SEE PARA SIX, REF B). THE BRITISH AND FRENCH REPS SAID THEY WOULD REPORT AND SEEK INSTRUCTIONS.

2. IN TRIPARTITE MEETINGS FRENCH REP (BOISSIEU) EXPRESSED CONTINUING CONCERNS OVER A GENSCHER STATEMENT TO SAUVAGNARGUES IN HAMBURG THAT THE FEDERAL GOVERNMENT COULD NOT CONTROL THE FEDERAL PROSECUTOR GENERAL (FPG) AND BONN WAS THUS NOT IN A POSITION TO GIVE GUARANTEES SHOULD IT BE DECIDED THAT THE FPG SHOULD NOT PROSECUTE THE CASE PERSONALLY. FURTHER, SAUVAGNARGUES REPORTED THAT GENSCHER EXPRESSLY STATED HE FAVORED PROSECUTION IN BERLIN BY THE FPG, BUT WOULD ACCEED TO AN ALLIED BK/O IF ONE WERE ISSUED PROHIBITING THE TRIAL IN BERLIN. BOISSIEU THUS WONDERED IF THE ALLIES SHOULD APPROACH THE FPG.

3. US AND UK REPS EXPRESSED VIEW THAT "BONN GROUP VIEWPOINT" (AS EXPRESSED BY VAN WELL) WOULD CLEARLY BE THE WISHES OF THE THREE POWERS, THAT THE DECISION ON THE FRG SIDE WOULD OBVIOUSLY BE MADE AT THE CHANCELLERY OR EVEN IN CABINET AND THAT FRG ACCEPTANCE COULD BE CONSIDERED AS FINAL AND BINDING ON ALL OFFICIALS OF THE FRG. IT WAS NOT FOR THE ALLIES TO TRY TO LINE UP FRG OFFICIALS SUCH AS THE FPG. BOISSIEU THEN BACKED AWAY FROM THE IDEA.

4. FRENCH AND BRITISH REPS INFORMED US OF A FRENCH

CONFIDENTIAL

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PAGE 01 BONN 11748 02 OF 02 130747Z

14

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FM AMEMBASSY BONN

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INFO USMISSION USBERLIN PRIORITY

AMEMBASSY BERLIN

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 11748

DEMARCHE IN LONDON PARALLELING THAT IN WASHINGTON REPORTED REF (A). THE FRENCH DCM CALLED FRIDAY, JULY 9 ON DAVID GOODALL, HEAD OF WESTERN EUROPEAN DEPARTMENT, WHO EXPRESSED FCO VIEW THAT NOT HAVING THE TRIAL IN BERLIN WOULD BE THE BEST SOLUTION. THE FRG ESPECIALLY, BUT ALSO THE US, HE SAID, HAD "VETOED" BRITISH SUGGESTIONS BUT AS A RESULT OF THE FRENCH PRESENTATION, THE FCO WOULD AGAIN CONSIDER THE PROBLEM. THE FCO WOULD PARTICULARLY INCLUDE CONSIDERATION OF WHETHER A BK/O MIGHT BE ISSUED ON "PUBLIC ORDER" GROUNDS TO PRECLUDE THE TRIAL IN BERLIN. THE UK REP (HITCH) REPORTED LONDON SAYS IT COULD ACCEPT THE US POSITION AS SET OUT TO THE BONN GROUP BUT AT THE SAME TIME THE FCO IS SAYING IT IS SERIOUSLY CONSIDERING BANNING THE TRIAL IN BERLIN. US REP STATED THE REASONS CONTAINED REF (A) WHY WE QUESTIONED PROHIBITING A TRIAL IN WSB ON PUBLIC ORDER GROUNDS.

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PAGE 02 BONN 11748 02 OF 02 130747Z

5. THE FRENCH REP (BOISSIEU) INFORMED US AND UK JULY 12 THAT HE HAD NO INSTRUCTIONS FROM PARIS AND DID NOT EXPECT ANY FOR A FEW DAYS. THE QUESTION WOULD BE DISCUSSED AGAIN ON THE EDGE OF THE EC COUNCIL MEETING THIS WEEK BY GENSCHER AND SAUVAGNARGUES AND HIS INSTRUCTIONS WOULD ONLY BE ISSUED THEREAFTER.

6. IN HOPES THAT THE FRENCH WILL COME AROUND, WE ARE PROCEEDING WITH THE DRAFTING OF WHAT MIGHT BECOME THE AGREED BONN GROUP POSITION FOR PRESENTATION TO AND ACCEPTANCE BY THE FRG.

HILLENBRAND

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